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Partners, LLC and Mark Kessel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re DYNAVAX TECHNOLOGIES
CORPORATION SECURITIES
LITIGATION

This Document Relates To:

ALL ACTIONS

Case No. 3:13-cv-02796-CRB

**STIPULATION AND ORDER
CONTINUING HEARING ON
SYMPHONY'S MOTION TO CERTIFY
FEBRUARY 20, 2015 ORDER FOR
INTERLOCUTORY APPEAL
PURSUANT TO 28 U.S.C. § 1292(B) TO
JUNE 5, 2015**

Judge: Hon. Charles R. Breyer

Lead Plaintiff Khaled Khalafallah (“Lead Plaintiff”) and Defendants Symphony Capital Partners, L.P., Symphony Capital GP, L.P., Symphony GP, LLC, and Symphony Strategic Partners, LLC (“Symphony” and, together with Lead Plaintiff, the “Parties”) hereby stipulate as follows:

WHEREAS, on April 17, 2015 Symphony filed a motion to certify the Court’s February 20, 2015 Order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b), and set the hearing on the motion for May 22, 2015 at 10:00 a.m. (Dkt. No. 129);

WHEREAS, Lead Plaintiff stated in its opposition to the motion that the May 22, 2015 hearing date was inconvenient (Dkt. No. 131);

WHEREAS, Symphony offered to reset the hearing for a more convenient date; and

WHEREAS, the Parties have agreed to continue the hearing on the motion to June 5, 2015 at 10:00 a.m.

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED that,

1. The hearing on Symphony’s motion to certify the Court’s February 20, 2015 Order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b) is continued to June 5, 2015 at 10:00 a.m.

Dated: May 6, 2015

SHEARMAN & STERLING LLP

By: /s/ Emily V. Griffen
Emily V. Griffen

Attorneys for Defendants Symphony Capital Partners, L.P., Symphony Capital GP, L.P., Symphony GP, LLC, Symphony Strategic Partners, LLC and Mark Kessel

FARUQI & FARUQI, LLP

By: /s/ Richard W. Gonnello
Richard W. Gonnello

Attorneys for Lead Plaintiff Khaled Khalafallah

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 8, 2015



Hon. Charles R. Breyer